APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,483	04/13/2001	Kun Zhang	GEMS8081.081	7333

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS)
14135 NORTH CEDARBURG ROAD
MEQUON, WI 53097

EXAMINER
DADA, BEEMNET W

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 August 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5) ☐ Notice of Informal Patent Application (PTO-152)
    Paper No(s)/Mail Date _____ .   6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-2, 8-10, 17 and 23-24 have been amended, claims 7, 14 and 18 have been

cancelled and new claims 30-31 have been added on an amendment filed on August 24, 2004.

Claims 1-6, 8-13, 15-17 and 19-31are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-6, 8-13, 15-17, 19-23 and 30-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hube et al. US Patent 5,442,541 (hereinafter Hube) in view of Fenstemaker

et al. US Patent 6,490,684 B1 (hereinafter Fenstemaker).

4.   As per claim 1, Hube discloses a method to access one or more inactive options

resident on a device remotely located from a centralized facility (see for example; abstract)

comprising the steps of:

accessing a graphical user interface (GUI) electronically linked to a centralized facility

(see for example; col 10 ln 57-67 and col 15 ln 11-27) and configured to facilitate selection from

a number of option identifying parameters (see for example; col 15 ln 10-16) selecting at least

one of the number of option identifying parameters for identification of one or more inactive

options resident on the device (see for example; col 14 ln 59-65), and transmitting an electronic

request for activation of the selected one or more inactive options to the centralized facility (see

for example; col 10 ln 39-44 and col 14 ln 20-24 and ln 59-64), wherein the electronic request is

transmitted via a public communication interface (see for example; col 10, ln 15-26 and ln 39-

44). Hube does not explicitly teach transmission of the software key via a private

communication interface such that the private communication interface electronically connects a

centralized facility to the device.

However, within the same field of endeavor, Fenstemaker teaches a method of enabling

device features by requesting and receiving a key from a remote location [see abstract, col. 3 ln.

29-38], including authorizing transmission and installation of a software key in response to an

electronic request [see col. 3, lines 1-23], wherein the transmission of the software key is via a

private communication interface such that the private communication interface connects the

centralized facility to the device [col. 3, lines 1-5, and col. 5, lines 1-12]. Therefore it would have

been obvious to one having ordinary skill in the art at the time the invention was made to

transmit a software key via a private communication interface as taught by Fenstemaker and

include it into the system of Hube, in order to enhance the security of the system by transmitting

the software key in a private communication interface, thereby preventing illegal use or

interception of the key.

5.   As per claim 9, Hube discloses an access granting system (see for example; abstract)

comprising:

        a computerized network (see for example; col 10 ln 15-20)

a device having at least one non-enabled software application resident in memory

thereon (see for example; col 14 ln 40-44),

a plurality of computers connected to the computerized network (see for example; col 10

ln 15-20 and col 15 ln 28-41), wherein at least one of the plurality of computers displays

selection data to a user in a form of a graphical user interface (GUI) (see for example; col 15 ln

10-26), a remote centralized facility electronically connected to the device and having a

database (see for example; col 10 ln 31-37), wherein the remote centralized facility includes a

computer programmed to:

identify a user selection of the at least one non-enabled software application (see for

example; col 10 ln 33-37, col 14 ln 20-32 and col 14 ln 5962),

receive a request from an authorized user requesting enablement of the identified user

selection (see for example; col 10 ln 44-48 and col 14 ln 59-62),

generate a software enabler designed to permit access to the selected non- enabled

software application in accordance with the received request (see for example; instruction and

data; col 14 ln 20-33) and transmit the software enabler from the centralized facility to the

device (see for example; col 14 ln 2032). Hube does not explicitly teach receiving a host ID

input, wherein the host ID corresponds to a physical location of a device.

However, within the same field of endeavor, Fenstemaker teaches a method of enabling

device features by requesting and receiving a key from a remote location [see abstract, col. 3, ln

29-38], including receiving a host ID input (i.e., unique device ID), wherein the host ID

corresponds to a physical location of the device (see for example, Ethernet Hardware id) [col. 3,

ln 31-40, and col. 4 ln 45-57, col. 5 ln 1-13]. Therefore it would have been obvious to one having

ordinary skill in the art at the time the invention was made to include a method of receiving a

host id that corresponds to a physical location of the device as taught by Fenstemaker and

implement it within the system of Hube, in order to generate unique keys for each device

according to their identification.

6.   As per claim 17, Hube discloses displaying a GUI configured to facilitate a request to

enable an inactive option resident on a remote device (see for example, receive an input of a

device identifier (see for example; col 15 ln 35-40), receive a selection of an inactive option for

enablement from the GUI (see for example; col 15 ln 46-53). Hube further discloses a remote

centralized processing station to generate a code specifically configured to enable the selected

inactive option (see for example; col 14 ln 20-33) after successful processing of the received

inputs and selections (see for example; col 14 ln 59-62 and col 15 ln 46-54). Hube does not

explicitly teach selecting a usage period. Fenstemaker a method of enabling device features by

requesting and receiving a key from a remote location, including multiple communication

interfaces for communicating requests and keys [see abstract, col. 3, ln 1-10 and col. 3 ln. 29-

38], and a means of enabling software remotely wherein a user selects a usage period of such

software (see for example; col 4 ln 17-37). Therefore it would have been obvious to one having

ordinary skill in the art at the time the invention was made to combine the teachings of

Fenstemaker within the system of Hube, because it would have provided an added convenience

for billing the customer based on usage as well as increased security of the software usage by

only allowing an authorized user to use the enabled software for the specified amount of time.

7.   As per claim 2, the combination of Hube and Fenstemaker teaches the method as

applied above. Furthermore, Fenstemaker teaches the method wherein a software key is

configured to activated one or more inactive options and is transmitted to and installed on a

device (col. 2, ln 55-66).

8.   As per claim 3, the combination of Hube and Fenstemaker disclose the claimed

limitations as described above (see claim 1). Hube further discloses inputting a system ID

(specific ID and a password to gain access to the selection step (see for example; col 15 ln

35-45). As for entering a client ID, Hube discloses a suitable logon procedure (see for example;

col 15 ln 31-33). The means of entering a client ID with a password for logging onto a machine

is well known in the art as being a procedure for logon and commonly used in order for

identifying the user. One of ordinary skill in the art at the time of the applicant's invention would

have realized such including of a client id for a logon procedure in the system of Hube because

it would have provided a means of identifying the client or user for proper identification during

the logon procedure. As for a host ID, Hube discloses a means of identifying the machine of a

communications network (see for example; col 16 ln 1-5). Such identifying of machines in a

communications network is well known in the art to include entering a host ID (such as a

network address) or ID linking a location to the device. One of ordinary skill in the art at the time

of the applicant's invention would have realized such a entering of a host ID in order for proper

locating of the machine on the network.

9.   As per claim 4, the combination of Hube and Fenstemaker disclose the claimed

limitations as described above (see claim 1). Hube further discloses the step of formulating the

electronic request by:

        inputting a system ID (see for example; col 15 ln 37-40),

        selecting a modality (see for example; col 16 ln 10-27; each column represents of

options for each mode of the copier, thus selecting a modality through selecting which features

in the mode to enable); selecting a software package (see for example; col 15 ln 48-55; each feature must require a specific software package in order for enablement of such features. As for entering a user ID, Hube discloses a suitable logon procedure (see for example; col 15 ln 31-33). Hube is silent on the means of such a logon procedure. However, the means of entering a client ID with a password for logging onto a machine is well known in the art as being a procedure for logon and commonly used in order for identifying the user. One of ordinary skill in the art at the time of the applicant's invention would have realized such including of a client id for a logon procedure in the system of Hube. Furthermore, Fenstemaker teaches a means of enabling software remotely wherein a user selects a usage period of such software (see for example; col 4 ln 17-37).

10.   As per claims 5 and 23, the combination of Hube and Fenstemaker teaches the method as applied above. Furthermore, Fenstemaker teaches the method further comprising the step of requesting use of the one or more options for one of a trial period, a pay-per-use period, a limited access period, and an indefinite period (col. 4, ln 8-26).

11.   As per claim 6, the combination of Hube and Fenstemaker teaches the method as applied above. Furthermore, Fenstemaker teaches the method further comprising generating a software key if the centralized facility grants access to the inactive option, wherein the software key is unique for each electronic request (col. 4, ln 45-60).

12.   As per claims 8 and 19, the combination of Hube and Fenstemaker teaches the method as applied above. Furthermore, Fenstemaker teaches the method wherein the software key is an alphanumeric code (col. 3, ln 11-14).

13.   As per claim 10, the combination of Hube and Fenstemaker teaches the method as

applied above. Hube further discloses the central facility being able receive a system ID input a

system ID (see for example; col 15 ln 37-40) and identify a modality selection (see for example;

col 16 ln 10-27; each column represents of options for each mode of the copier, thus selecting a

modality through selecting which features in the mode to enable). As for a host ID, Hube

discloses a means of identifying the machine of a communications network (see for example;

col 16 ln 1-5). Such identifying of machines in a communications network is well known in the

art to include entering a host ID (such as a network address) or ID linking a location to the

device. One of ordinary skill in the art at the time of the applicant's invention would have

realized such a entering of a host ID in order for proper locating of the machine on the network.

Hube further discloses deciding whether to generate and transmit the software enabler based

on the host ID input, the system ID input (see for example; fig 9 and col 15 ln 28-45). As for

deciding based on the modality selection, Hube further discloses means of determining if the

software (feature) authorized for the device (machine) (see for example; col 15 ln 45-50) and

that each software (feature) is characterized by a modality (see for example; col 16 ln 10-28).

One of ordinary skill in the art would have recognized that such verification of available features

for a machine is essentially verifying the modality characterizing the feature.

14.   As per claims 11 and 22, the combination of Hube and Fenstemaker teaches the system

as applied above. Hube further discloses wherein the computer of the centralized facility is

further programmed to compare the request comprising a system ID, a host ID, a user ID (see

for example; col 15 ln 28-45), a selected non-enabled software application, and an identified

modality (see for example; col 15 ln 37-64). As for deciding based on the modality selection,

Hube further discloses means of determining if the software (feature) authorized for the device

(machine) (see for example; col 15 ln 45-50) and that each software (feature) is characterized

by a modality (see for example; col 16 ln 10-28). One of ordinary skill in the art would have

recognized that such verification of available features for a machine is essentially verifying the

modality characterizing the feature. Further, Fenstemaker teaches comparing to user and

device data stored in the database [col 3. ln 53-67] and wherein the software enabler is specific

to the request and non-reusable [col 4, ln 45-54].

15.   As per claim 12, the combination of Hube and Fenstmaker teaches the system as

applied above. Furthermore, Hube discloses the claimed limitations as described above (see

claim 10) and further discloses the central facility programmed to determine if the user is

authorized to operate the selected non-enabled software application (see for example; col 15 ln

31-36).

16.   As per claims 13 and 20, the combination of Hube and Fenstemaker teaches the system

as applied above. Furthermore, Fenstemaker teaches the system can be applied to multiple

types of devices [col. 2, ln 4-15].

17.   As per claims 15, 21 and 30, the combination of Hube and Fenstemaker teaches the

system as applied above. Hube further discloses the GUI being configured to authorize

electronic communication between the centralized facility and the device (see for example col 4

ln 45-53 and col 14 ln 20-23).

18.   As per claim 16, the combination of Hube and Fenstemaker teaches the system as

applied above. Hube further discloses a user selection of a modality causes a list of available

software applications to be displayed on the GUI (see for example; fig 3, col 11 ln 51-57 and col

16 ln 9-27).

19.   As per claim 31, the combination of Hube and Fenstemaker teaches the system as

applied above. Furthermore, Fenstemaker teaches transmitting data in public and private

communication interfaces [col. 3, lines 1-5, and col. 5, lines 1-12]

20.   Claims 24-29 are rejected under 35 U.S.C. 103(a) as being obvious over Hube et al

(hereinafter Hube), US Patent 5,442,541, in view of Applicant's Admitted Prior Art (hereinafter

AAPA) and further in view of Fenstemaker et al US Patent 6,490,684 B1 (hereinafter

Fenstemaker).

21.   As per claim 24, Hube discloses a GUI to request activation of an inactive software

program resident in memory of a medical imaging scanner remotely located from a centralized

processing center (see for example; col 4 ln 45-61) comprising: a device modality selector (see

for example; fig 3, col 9 ln 27-35 and col 16 ln 9-17; Hube discloses different modes and

functions specified in each mode of the device), a system identification field (see for example;

enter specific ID, col 15 ln 28-45) ; a Software Program Selector (see for example; fig 3 and col

4 ln 45-50); As for a user identification field, Hube discloses a suitable logon procedure (see for

example; col 15 ln 31-33). The means of entering a user ID with a password for logging onto a

machine is well known in the art as being a procedure for logon and commonly used in order for

identifying the user. One of ordinary skill in the art at the time of the applicant's invention would

have realized such including of a client id for a logon procedure in the system of Hube because

it would have provided a means of identifying the client or user for proper identification during

the logon procedure, furthermore such a field must exist in the GUI to enter the user identifier.

As for a software key generation tab, whereupon user selection of the software key generation

tab transmits a data transmission to the centralized processing center. Hube discloses a means

of transmitting data to the centralized processing center (see for example; fig 7 and col 14 ln

20-32), and wherein the data transmission represents a request to activate the inactive software

program resident in memory (see for example; col 14 ln 20-32). One of ordinary skill in the art at

the time of the applicant's invention would have realized the use of tabs and fields in a GUI

(user interface) for the user to enter required information and selection of software (features) to

enable. Hube further discloses a scanner (see for example; copier col 3 ln 49-60). Hube does

not explicitly teach the scanner being a medical scanner. AAPA discloses a medical scanner

with installed components, with inactive software components (see for example; page 1

paragraph 2) and activation of such components (see for example; page 2 paragraph 4). The

means of remotely enabling software pre-installed on a device that are made inaccessible can

be done on any type of device including medical components. One of ordinary skill in the art

would have recognized substituting the scanner of Hube with the medical scanner of AAPA. The

use of such remote activation in medical scanners would create added convenience to the

increasing needs of such a scanner. It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to combine the teachings of AAPA within Hube

because it would have provided a means of remote activation of software in medical scanners

and added more utility to the invention of Hube. The combination of Hube and AAPA does not

explicitly teach data transmitting a over a private communication connection. However,

Fenstemaker teaches a method of enabling device features by requesting and receiving a key

from a remote location [see abstract, col. 3 ln. 29-38], including authorizing transmission and

installation of a software key in response to an electronic request [see col. 3, lines 1-23],

wherein the transmission of the software key is via a private communication interface such that

the private communication interface connects the centralized facility to the device [col. 3, lines

1-5, and col. 5, lines 1-12]. Therefore it would have been obvious to one having ordinary skill in

the art at the time the invention was made to transmit a software key via a private ommunication

interface as taught by Fenstemaker and employ it into the system of Hube and AAPA, in order

to enhance the security of the system by transmitting the software key in a private

communication interface, thereby preventing illegal use or interception of the key.

22.   As per claim 25, the combination of Hube-AAPA-Fenstemaker teaches the system as

applied above. Hube further discloses a menu (see for example; fig 4) configured to display a

listing of modalities (see for example; col 16 ln 9-27). As for modalities including computed

tomography, x-ray, magnetic resonance, echocardiography, ultrasound, nuclear, medicine, and

positron emission tomography, one of ordinary skill in the art of medical scanners would have

realized such modalities being available in medical scanners and be inherent to the display of

modalities in the Hube-AAPA-Fenstemaker combination. As for a drop-down menu, Hube

discloses the use of tabs for each modality. The use of a drop-down menus in GUIs are well

known in the art and serve the same purpose of tabs for displaying different modalities of a

device. One of ordinary skill in the art a the time of the applicant's invention would have realized

such a drop down menu in GUIs as an alternative means of displaying the modalities of a

device.

23.   As per claim 26, Hube-AAPA-Fenstemaker teaches the system as applied above.

Furthermore, Fenstemaker teaches a means of enabling software remotely wherein a user

selects a usage period of such software (see for example; col 4 ln 17-37).

24.   As per claim 27, Hube-AAPA-Fenstemaker teaches the system as applied above.

Furthermore, Fenstemaker teaches the method further comprising the step of requesting use of

the one or more options for one of a trial period, a pay-per-use period, a limited access period,

and an indefinite period (col. 4, ln 8-26).

25.   As per claim 28, Hube-AAPA-Fenstemaker discloses the claimed limitations as

described above (see claim 24). Hube further discloses the data transmission is configured to

represent a request to activate more than one inactive software program resident in memory

(see for example; col 15 ln 46-58).

26.   As per claim 29, Hube-AAPA-Fenstemaker discloses the claimed limitations as

described above (see claim 24). Fenstemaker further teaches the method further comprising

generating a software key if the centralized facility grants access to the inactive option, wherein

the software key is unique for each electronic request (col. 4, ln 45-60).

Response to Arguments

27.   Applicant's arguments with respect to claims 1-29 have been considered but are moot in

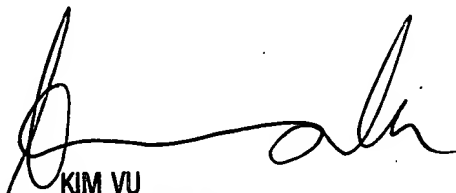view of the new ground(s) of rejection.

Conclusion

28.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The

examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

December 20, 2004

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER